

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.4544/2015

New Delhi this the 15th day of September, 2016

HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE DR. B.K. SINHA, MEMBER (A)

1. Agarwal Sushil Ravindra
S/o Mr. Ravindra Agrawal
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttrakhand.
2. Ramanand Bhakar
S/o Mr. Hardeen Singh
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttrakhand.
3. Kiran G
S/o Govinda Raju M
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttrakhand.
4. Vankdoth Ketan Kumar
S/o Vankdoth Ramdas Naik
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttrakhand.
5. Rakesh Sepat
S/o Paras Ram Sepat
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttrakhand.

6. Mane Amitkumar Baburao
S/o Mane Baburao Nivruti
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttarakhand.
7. Mohit Gupta
S/o Panna Lal Gupta
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttarakhand.
8. Debashish Sharma
S/o Krishan Kumar Sharma
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttarakhand.
9. Pawan Kumar Reddy G,
S/o G. Balakrishna Reddy
Indian Forest Service (P), 2014 Batch,
Indira Gandhi National Forest Academy,
P.O. New Forest,
Dehradun-248006
Uttarakhand. ...Applicants

(Argued by: Shri Tanuj Aggarwal, Advocate)

Versus

1. Union of India, through,
The Secretary,
Ministry of Environment, Forests & Climate Change
Indira Paravaran Bhavan,
Jor Bagh Road,
New Delhi-110003.
2. Course Director,
Batch No.2014-16,
Indira Gandhi National Forest Academy,
P.O. New Forest
Dehradun-248006
Uttarakhand

3. Director,
Indira Gandhi National Forest Academy,
P.O. New Forest
Dehradun-248006
Uttarakhand
4. Union Public Service Commission,
Through Under Secretary,
Dholpur House,
Shahjahan Road,
New Delhi. ...Respondents.

(By Advocate: Shri Yogesh Mathur for Shri Gyanender Singh)

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

The matrix of the facts and material, which needs a necessary mention for the limited purpose of deciding the core controversy involved in the instant Original Application (OA), and expounded from the record is that, applicants, Agrawal Sushil Ravindra and Others were selected in the year 2014 for All India Service, in the cadre of Indian Forest Service. They were probationers and undergoing training at the Indira Gandhi National Forest Academy, Dehradun (for brevity “Forest Academy”). They sought permission (Annexure A-2) to appear in All India Service Examination conducted by Union Public Service Commission (UPSC), 2015. The Course Director of the Forest Academy (respondent No.2), did not grant them permission to appear in the examination on the ground that, Rule 8(1) of the Indian Forest Service (Probation) Rules, 1968 (hereafter to be referred to as “1968 Rules”) bars them to appear in the examination during the probation period.

2. Aggrieved thereby, the applicants have preferred the instant OA, challenging the constitutional validity of Rule 8(1) of the said rule, terming it to be adversely affecting their fundamental rights and illegal. They have also claimed the parity with Sidharth Kumar Ambedkar.

3. The respondents refuted the claim of the applicants and filed their reply, wherein it was pleaded that applicants were undergoing training at Forest Academy. As per Rule 8(1), probationers in Service training in the Forest Academy are not entitled to appear either in the Civil Services Examination or any other examination for appointment to the Central or State Service by open competitive examination. It will not be out of place to mention here, that respondents have stoutly denied all the allegations and grounds contained in the OA and prayed for its dismissal. That is how we are seized of the matter.

4. We have heard the learned counsel for the parties and gone through the record.

5. As is evident from the record, the applicants were selected in Indian Forest Service. They are probationers and were undergoing training in the Forest Academy. Their request to appear in Civil Services Examination was rejected on the ground that, proviso to Rule 8(1) of 1968 Rules, postulates that “no probationer in the Service shall, during the period of training at the Forest Academy appear either in the Civil Services Examination or any other examination for

appointment to the Central or State Service by open competitive examination”.

6. Ex-facie, the argument of the learned counsel that the impugned order (Annexure A-1) based on Rule 8(1) of 1968 Rules, adversely affecting the rights of the applicants, to appear in further examination, are liable to be struck down, being unconstitutional, is not only devoid of merit, but misplaced as well.

7. What cannot possibly be disputed here is that, these Rules were framed in the year 1968, effectively operated in the relevant field and stood the test of time. There is a purpose to debar the probationer to appear in the Civil Services Examination, during the period of training at Forest Academy, Dehradun, because Government used to spend huge amount in the training of the various officers from public exchequer.

8. Moreover, the time tested, same very rules were effectively operating since its inception in the arena and was in the knowledge of the applicants, when they joined the Forest Service. Therefore, the applicants cannot be heard to say that Rule 8(1) of 1968 Rules, is constitutionally invalid.

9. There is yet another aspect of the matter, which can be viewed entirely from a different angle. As regards the party with Sidharth Kumar Ambedkar, the respondents have pleaded in para 4 of the reply as under:-

“That with regard to Shri Siddharth Kumar Ambedkar case as referred by applicants in this application, it is submitted that an OA No.2862/2014 was filed by Shri Siddharth Kumar Ambedkar before CAT, Principal

Bench, seeking to allow him to appear in Civil Services examination held on 24th August, 2014. Shri Ambedkar was on probation into Indian Forest Service at that time. This Hon'ble Tribunal observed that the applicant was continuing on probation and directed vide order dated 21.08.2014 that:

“In view of the provisions contained in sub-rule (1) of Rule 8, the applicant cannot be allowed to appear in the ensuing examination and the impugned order dated 13.08.2014 directing him not to appear in the Civil Services Examination 2014 and not to leave station on 24.08.2014 does not call for any interference in this proceeding. The application being bereft of merit is dismissed but without cost”.

10. Meaning thereby, the earlier order in OA No.2862/2014 would operate as constructive res judicata in the instant case. Moreover, it is not a matter of dispute that the applicants have already cleared their period of probation and now they are free to apply in any Civil Services Examination. Therefore, the OA otherwise becomes infructuous.

11. In the light of the aforesaid reasons, and thus seen from any angle, there is no merit in the OA, which is hereby dismissed as such. However, the parties are left to bear their own costs.

(DR. B.K. SINHA)
MEMBER (A)

Rakesh

(JUSTICE M.S. SULLAR)
MEMBER (J)
15.09.2016